

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HANNAH SABATA, et al.,

Plaintiffs,

v.

NEBRASKA DEPARTMENT OF
CORRECTIONAL SERVICES, et al.,

Defendants.

4:17CV3107

**MEMORANDUM
AND ORDER**

This matter is before the Court on defendants Nebraska Department of Correctional Services (“NDCS”), Scott R. Frakes, Harbans Deol, the Nebraska Board of Parole, and Julie Micek’s (collectively, “defendants”) unopposed Suggestion of Mootness and Motion to Dismiss Claims of Named Plaintiff R.P. (“R.P.”) (Filing No. 204).

R.P. was previously incarcerated in a NDCS facility. R.P. claims, *inter alia*, the defendants subjected him to poor conditions and processes while he was incarcerated. R.P. seeks declaratory and injunctive relief to remedy those deficiencies. According to the parties, R.P. has now been released from incarceration.

An inmate’s claim for declaratory and injunctive relief to address deficiencies in prison conditions is rendered moot when that inmate is no longer subject to those conditions. *See Watts v. Brewer*, 588 F.3d 646, 648 (8th Cir. 1978). Because R.P. is no longer incarcerated, the Court finds R.P.’s claims should be dismissed without prejudice. *See Malkowski v. Gonzalez*, No. 4:09CV490 CDP, 2009 WL 1578816, *1 (E.D. Mo. June 3, 2009) (finding dismissal should be without prejudice where based on mootness).

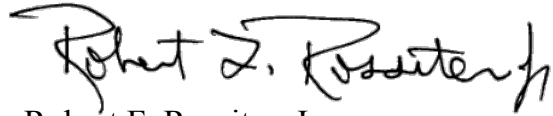
IT IS ORDERED:

1. Defendants’ Suggestion of Mootness and Motion to Dismiss Claims of Named Plaintiff R.P. (Filing No. 204) is granted.

2. Named plaintiff R.P.'s claims are dismissed without prejudice.

Dated this 27th day of February 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge